

### **REMARKS**

As mentioned above, Applicant filed a request for continued examination (RCE) by First-Class Mail on 1 June 2004, requesting that the previously-filed Amendment AF be entered. The amendments of this Preliminary Amendment are made to remove from the independent claims the limitation requiring inclusion of a first synchronization command in the first display control command. Applicant believes that this limitation is not necessary to overcome the cited prior art with the claims in their present form. Claims directed to a motion-video server for use in accordance with the present invention have been added.

Briefly, in the Office Action mailed 29 January 2004, finally rejecting all of the pending claims, the claims were rejected under Section 103(a) over the combination of *Tracton* (U.S. Pat. No. 6,470,378) in view of *del Val* (U.S. Pat. No. 6,128,653) and *Hinderks* (U.S. Pat. No. 6,049,551).

In the Amendment AF, Applicant amended independent claims 1, 9, 17, 25, 33, and 41 to recite that the first display control command is entered by a user of the wireless terminal after the motion video having initial presentation features has been displayed (or, more accurately, after display of at least a portion of this video has occurred). The claims are now clearly distinguished from the cited prior for reasons explained in the Remarks section of the Amendment AF. In this Preliminary Amendment, Applicant further amends the claims to place them in better condition for continued examination.


Finally, Applicant respectfully renews the request that the Examiner not take official notice the general state of the art in rejecting the claims, this official notice being first taken almost four years after the present Application was filed or, in the alternative, that the this notice be explicitly applied, where possible, to specific features recited in the claims.

Entry of this Amendment and continued examination and consideration for allowance of the claims, as now presented, is respectfully requested. In addition, the Examiner is requested to contact the undersigned, by Advisory Action or otherwise, to indicate whether the claims will be allowed in there current form or may be put into allowable form with further amendment.

Appln. No. 09/473,356  
Preliminary Amendment dated 7 June 2004

Respectfully submitted,

Dated: 7 June 2004

  
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